

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
DAVID JOHNSON,

Petitioner,

-against-

ROBERT ERCOLE, Superintendent,  
Green Haven Correctional Facility,

Respondent.  
-----X

JUDGMENT  
08-CV- 1268 (JG)

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y.  
★ SEP 24 2008 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

A Memorandum and Order of Honorable John Gleeson, United States District Judge, having been filed on September 22, 2008, denying the petition for a writ of habeas corpus; and ordering that no Certificate of Appealability shall issue; it is

ORDERED and ADJUDGED that the petition for a writ of habeas corpus is denied; and that no Certificate of Appealability shall issue.

Dated: Brooklyn, New York  
September 23, 2008  
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Robert C. Heinemann  
Clerk of Court

By: s/Terry Vaughn

Terry Vaughn  
Chief Deputy of  
Court Operations